

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES - GENERAL**

CASE NO.: CV 10-0702-ABC (PJW)

Date: January 11, 2011

TITLE: *David Upton v. Arek Fakhoury, et al.*

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PRESENT:

HON. PATRICK J. WALSH, MAGISTRATE JUDGE

Celia Anglon-Reed
Deputy Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF:

None

ATTORNEYS PRESENT FOR DEFENDANTS:

None

PROCEEDINGS: Order to Show Cause Regarding Plaintiff's Failure to File First Amended Complaint (In Chambers)

On June 9, 2010, the Court dismissed the Complaint and granted Plaintiff leave to file a First Amended Complaint ("FAC"). (Docket No. 8.) The FAC was due to be filed on July 15, 2010. As of the date of this order, Plaintiff has not filed the FAC.

Under Federal Rule of Civil Procedure 41(b), an action may be involuntarily dismissed for failure of the plaintiff to prosecute or comply with any order of the Court. *See Omstead v. Dell*, 594 F.3d 1081, (9th Cir. 2010). A plaintiff's failure to file an amended complaint, despite being told of the consequences, warrants dismissal. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992).

Accordingly, Plaintiff has until **February 20, 2011**, to file his FAC or, alternatively, to show good cause for his failure to timely file the FAC by filing one or more declarations under penalty of perjury and supporting documents, if needed.

Plaintiff is warned that if he does not respond to this order within the time allowed, or if he fails to show good cause for the failure to timely file the FAC, this action may be dismissed under Rule 41(b).

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES - GENERAL**

cc:

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